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NR 115 Listening Session Comment Package

Listening sessions are an opportunity for the public to review and comment on the draft proposals generated together by the Advisory Committee and the Department. At this point, and throughout the entire rule revision process, it is very important that we hear from the general public.

Listening sessions have been added as an additional step in the traditional rule revision process because the Department recognizes this issue needs special consideration and debate in an open, informative, honest and participatory forum. It has been over 35 years since the rule was first promulgated and it has not been substantially updated.

The key to a successful Shoreland Management Program is to find that proper balance between property owners' rights and the public's rights in Wisconsin's navigable waters. We hope to achieve this goal through the progress that was made with a very large and diverse Advisory Committee and by engaging the public early on with these listening sessions.

Please consider the following questions on the NR 115 Advisory Committee recommendations. Your comments will be reviewed to help guide the preparation of proposed rule language. Our goal is to have the proposed revision of the rule ready for public hearings next summer.

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Please note that written comments from listening sessions will be accepted until December 31, 2003. You may fill out only those portions of the comment package that you are interested in. Thank you.

I. SHORELAND BUFFERS

Do you, in general, support:

- | | | |
|--|-----|----|
| 1a. a 50-foot primary buffer + 25-foot secondary buffer = 75-foot OHWM setback? | Yes | No |
| 1b. a 35-foot primary buffer + 40-foot secondary buffer = 75-foot OHWM setback? | Yes | No |

1c. Do you have any concerns about structures or activities allowed in the primary and secondary buffers? Please explain.

Do you, in general, support:

- | | | |
|---|-----|----|
| 1d. a viewing access corridor with a width equal to 30% of a lot's water frontage, not to exceed 30 feet wide? | Yes | No |
| 1e. a viewing access corridor with a width equal to 30% of a lot's water frontage, not to exceed 50 feet wide? | Yes | No |

1f. Do you have any concerns about structures or activities allowed in the viewing access corridor? Please explain.

II. ORDINARY HIGH WATER MARK (OHWM) SETBACKS

The shoreland setback area is the area within a certain distance (75 feet) of the ordinary high water mark (OHWM) in which the construction or placement of structures is limited or prohibited.

Note: Open-sided structures, such as decks, patios, and gazebos, allowed under s. 59.692 (1v), Wis. Stats., will continue to be allowed and the statutory provisions allowing such structures are not affected by any changes to Ch. NR 115, Wis. Admin. Code.

Do you, in general, support:

- | | | |
|--|-----|----|
| 2a. allowing piers within the shoreland setback area? | Yes | No |
| 2b. allowing boat hoists within the shoreland setback area? | Yes | No |
| 2c. allowing structures within the shoreland setback area that are necessary to allow reasonable accommodations for residences of handicapped or disabled person? | Yes | No |
| 2d. allowing stairways, walkways and mechanical lifts that meet specified size limits within the shoreland setback area, when required on steep, rocky, unstable or wet sites? | Yes | No |
| 2e. allowing small structures within the shoreland setback area that are easily moved by hand, such as picnic tables, lawn chairs, bird baths and canoes, and are moved out of the shoreland setback area for the winter? | Yes | No |
| 2f. allowing open fences within the shoreland setback area? | Yes | No |

2g. Do you have any concerns about allowing these structures in the shoreland setback area? Please explain.

2h. Do you think any conditions should be placed on these structures when allowing them within the shoreland setback area, such as height, size, color, screening or other considerations? Please explain.

Do you, in general, support:

- | | | |
|--|-----|----|
| 2i. requiring new boathouses to be set back 75-feet from the ordinary high water mark (OHWM)? | Yes | No |
| 2j. allowing new boathouses within the shoreland setback area? | Yes | No |

2k. Do you think any conditions should be placed on boathouses if they are allowed within the shoreland setback area, such as height, size, color, screening or other considerations? Please explain.

III. NONCONFORMING STRUCTURES

Do you, in general, support:

- | | | |
|---|-----|----|
| 3a. allowing counties to replace the “50% rule” with other nonconforming structure provisions? | Yes | No |
| 3b. allowing unlimited ordinary maintenance and repairs to nonconforming principal and accessory structures, including the limited repair and replacement of existing structural components? | Yes | No |

3c. Do you have any concerns about allowing counties to replace the “50% rule” to allow expansions to some nonconforming structures and to allow unlimited ordinary maintenance and repairs to all nonconforming structures, including the limited repair and replacement of existing structural components? Please explain.

Do you, in general, support:

- | | | |
|--|-----|----|
| 3d. prohibiting expansions to nonconforming principal structures located in the primary buffer? | Yes | No |
| 3e. allowing expansions to nonconforming principal structures located in the secondary buffer? | Yes | No |
| 3f. prohibiting expansions to nonconforming accessory structures, regardless of location? | Yes | No |

3g. Do you have any concerns about regulating nonconforming structures based on their distance from the OHWM, so that those structures closest to the water and potentially more likely to impact shoreland areas are provided fewer options and those structures that are located further away from the water are provided with more options? Please explain.

If expansions are allowed to nonconforming structures in the secondary buffer zone, do you, in general, support:

3h. requiring the principal structure, to qualify for expansion, to be at least 750 square feet or meet the minimum housing size required by the county in general zoning?	Yes	No
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3i. limiting the size of a principal structure, after expansion, to a total habitable living area of 1,500 square feet?	Yes	No
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3j. limiting the size of a principal structure, after expansion, to a total footprint of 1,500 square feet and the habitable living area to 2,500 square feet?	Yes	No
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3k. encouraging vertical and landward expansion, but if expansion on the landward side is not possible, the county may permit expansion towards the water based on site characteristics and consideration of the purposes of the shoreland management program and local shoreland zoning ordinance?	Yes	No
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3l. What concerns, if any, do you have about allowing limited expansions for nonconforming structures in the secondary buffer zone? Please explain.

Do you, in general, support:

3m. defining “major reconstruction” as reconstruction or replacement of 25% or more of the structural components of a building or 50% or more of the linear perimeter of the structure?	Yes	No
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3n. defining “major reconstruction” as the removal and replacement of all, or virtually all, of the structural components of a structure with the exception of the foundation?	Yes	No
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3o. requiring nonconforming structures undergoing major reconstruction to be relocated to a compliant building location, if available?	Yes	No
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3p. Do you have any concerns about how the proposed definitions of "major reconstruction" will be administered as a practical matter? Do you have other definitions to suggest that would be easier to administer? Please explain.

3q. Do you have any concerns about requiring nonconforming structures, when they are to undergo major reconstruction, be relocated to a compliant building location, if available? Please explain.

Do you, in general, support:

3r. triggering mitigation, including the restoration or preservation of the primary buffer, when a permit is issued for the structural alteration or expansion of a nonconforming structure?	Yes	No
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3s. What concerns, if any, do you have about requiring mitigation as a trade-off for allowing the alteration or expansion of a nonconforming structure? Please explain.

IV. MINIMUM LOT SIZE – SINGLE FAMILY HOMES, DUPLEXES AND COMMERCIAL DEVELOPMENT

Do you, in general, support:

4a. requiring all new lots to have a minimum area of 20,000 square feet and a minimum lot width of 100 feet? Yes No

4b. requiring all new sewered lots to have a minimum area of 10,000 square feet and a minimum lot width of 65 feet and all new unsewered lots to have a minimum area of 20,000 square feet and a minimum lot width of 100 feet? Yes No

4c. Do you have any concerns about minimum lot size requirements? Please explain.

Do you, in general, support:

4d. requiring all new lots, at the time of platting or subdivision, have at least 5,000 square feet of land that is not wetland or floodway? Yes No

4e. What concerns, if any, do you have about requiring a minimum buildable area of 5,000 square feet on new lots to ensure that when a new property is bought, a property owner has a location to build? Please explain.

V. MINIMUM LOT SIZE – MULTIPLE FAMILY DEVELOPMENT, HOTELS, MOTELS, AND RESORTS

Do you, in general, support:

5a. requiring multiple family developments and resorts to meet the minimum lot size requirement for each building plus an additional 7,500 square feet of land and 50 feet of frontage for each additional dwelling unit within the building? Yes No

5b. requiring hotels and motels to meet the minimum lot size for each hotel and/or motel building plus an additional 2,000 square feet of land and 10 feet of frontage for each additional unit within the building? Yes No

5c. allowing Viewing Access Corridors (VACs), at the discretion of the property owner, to be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot? Yes No

5d. Do you have any concerns about minimum lot size requirements for multiple family developments, resorts, hotels, and motels? Please explain.

5e. What concerns, if any, do you have about allowing, at the discretion of the property owner, a single or multiple VACs that shall in no instance exceed 30% of the frontage of the lot? Please explain.

VI. LOT SIZE REDUCTION FOR CONSERVATION DEVELOPMENT

Do you, in general, support:

- | | | |
|--|-----|----|
| 6a. providing an incentive for developments (subdivision, multiple family or resort) to dedicate a portion of the property as a permanent conservation area in exchange for reduced lot size and frontage requirements? | Yes | No |
| 6b. requiring conservation developments to permanently dedicate at least 40% of the parcel as a conservation area? | Yes | No |
| 6c. excluding wetlands, floodway areas, primary buffers, and secondary buffers in the conservation area calculation? | Yes | No |
| 6d. limiting uses in conservation areas to open space activities that promote, enhance, preserve and/or restore the natural resource values of the area? | Yes | No |

6e. Do you have any concerns about providing an incentive to developments to dedicate a portion of the property as a permanent conservation area in exchange for reduced lot size and frontage requirements? Please explain.

6f. Do you have any concerns about how much of a parcel must be dedicated as a conservation area, what areas are excluded in the conservation area calculation, or what uses are allowed in the conservation areas? Please explain.

Do you, in general, support the following reduced minimum lot sizes and frontage requirements for conservation developments:

- | | | |
|---|-----|----|
| 6g. allowing single-family residential projects to receive a reduced a minimum lot size of 10,000 square feet with 50 feet of frontage for each dwelling unit on waterfront lots and a minimum lot size of 7,500 square feet on non-waterfront lots? | Yes | No |
| 6h. allowing multiple family developments and resorts to meet the minimum lot size requirements for each building plus an additional 3,000 square feet of land and 20 feet of frontage for each additional dwelling unit within the building? | Yes | No |

6i. Do you have any concerns about the reduced minimum lot size and frontage requirements that are proposed for single-family residential conservation developments? Please explain.

6j. Do you have any concerns about the reduced minimum lot size requirements and frontage requirements that are proposed for multiple family and resort conservation developments? Please explain.

VII. OHWM SETBACK REDUCTIONS AND NONCONFORMING LOT PROVISIONS

Do you, in general, support:

7a. requiring that nonconforming lots and abutting lands that have the same owner be “merged”, so that the nonconforming lots may not be sold or developed separate from the abutting lands unless the parcel is re-divided into lots that comply with current minimum lot size requirements?	Yes	No
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7b. allowing nonconforming lots to be developed if all setbacks and other applicable standards can be met?	Yes	No
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7c. requiring nonconforming lots, when developed, to be subject to the same mitigation standards as enlarged or structurally altered nonconforming structures?	Yes	No
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7d. Do you have any concerns about requiring abutting nonconforming lots to be “merged” and prohibiting separate sale or development unless they are re-divided into compliant lot sizes prior to a lot being sold or developed? Please explain.

7e. What concerns, if any, do you have about allowing nonconforming lots to be developed if all setback and other applicable standards can be met? Please explain.

7f. Do you have any concerns about requiring nonconforming lots, when developed, to be subject to the same mitigation standards as enlarged or structurally altered nonconforming structures (preserving or restoring the primary buffer and any additional mitigation measures as required by the permitting authority)? Please explain.

Do you, in general, support:

7g. allowing development on lots with no compliant building location by reducing the setback requirements to create a 30-foot deep building envelope and providing relief to the property owner without requiring a variance?	Yes	No
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7h. allowing a reduced setback through setback averaging when there is no compliant building location?	Yes	No
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7i. allowing development by using a formula which first reduces the roadway and then the OHWM setback (up to the primary buffer) to create a building envelope on lots with no compliant building location?	Yes	No
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7j. allowing development by using a formula which first reduces the roadway and then the OHWM setback (to less than the primary buffer) to create a building envelope on lots with no compliant building location?	Yes	No
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7k. requiring structures that are built at a reduced OHWM setback to meet the same size limitations as enlarged nonconforming structures that are built at a reduced OHWM setback?	Yes	No
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7l. Do you have any concerns allowing development on lots with no compliant building location by reducing the setback requirements to create a 30-foot deep building envelope and providing relief to the property owner without requiring a variance? Please explain.

7m. What concerns, if any, do you have about allowing the use of setback averaging for the development of lots where there is no compliant building location? Please explain.

7n. Do you have any concerns about allowing development by using a formula that first reduces the roadway and then the OHWM setback to create a building envelope where there is no compliant building location? Please explain.

7o. The current proposal requires that if the OHWM setback is reduced to less than primary buffer (the “equity approach”), additional conditions are to be placed on the development to offset the potential impacts of development very close to the water. Do you have any concerns about this approach? Please explain.

7p. Do you have any concerns about requiring new structures that are built at a reduced OHWM setback be subject to the same size limitations as nonconforming structures that are built at a reduced OHWM setback? Please explain.

The current proposal requires that when a structure is built at less than the OHWM setback on a nonconforming lot:

- The only structures allowed within the building envelope are a residence, garage and structures meeting the requirements of s. 59.692(1v), Wis. Stats.
- Structures shall not be larger than limits placed on the expansion of nonconforming structures.
- The primary buffer must be preserved or restored and additional mitigation may be required.

7q. Do you think these conditions are adequate or should additional conditions be placed on the development when structures are built at less than the required OHWM setback, such as height, size, color, screening or other considerations? Please explain.

VIII. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING

8a. Except for adding a specific provision to allow retaining walls in certain situations, there are no changes proposed to the general standard for permitting filling, grading, lagooning, dredging, ditching and excavating in the shoreland zone. Do you have any concerns about these provisions? Please explain.

Do you, in general, support:

8b. permitting retaining walls within the shoreland setback area (within 75 feet of the OHWM) if necessary to control on-going erosion that other nonstructural methods cannot address, and if the primary buffer is preserved or restored? Yes No

8c. Do you think it is adequate to require the primary buffer to be preserved or restored, or should additional conditions be placed on the construction of retaining walls if they are allowed to be built at less than the required OHWM setback, such as height, size, color, screening or other considerations? Please explain.

IX. IMPERVIOUS SURFACE PROVISIONS

Do you, in general, support:

9a. limiting the amount of impervious surfaces with shorelands? Yes No

9b. limiting impervious surfaces within shorelands to 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) that are designed to control post-construction runoff? Yes No

9c. Do you have any concerns about limiting impervious surface within shorelands? Please explain.

X. MITIGATION PROVISIONS

Do you, in general, support:

10a. requiring that, when mitigation is triggered, the primary buffer shall be preserved or restored, at a minimum, and providing that counties may require additional mitigation measures? Yes No

10b. requiring mitigation measures to be roughly proportional to the magnitude of the impacts of the proposed project on navigable waters and the shoreland area? Yes No

10c. incorporating credits for maintaining existing environmentally-beneficial practices? Yes No

10d. Do you have any concerns about requiring mitigation to minimize the potential adverse impacts of development in exchange for allowing more flexibility to property owners to develop their property? Please explain.

XI. AGRICULTURE

Do you, in general, support:

11a. provisions that are applicable to agriculture that are different than provisions applicable to single-family residences within the shoreland zone?	Yes	No
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11b. exempting land used for non-structural agricultural practices from Ch. NR 115, Wis. Admin. Code, buffer standards because standards for agricultural buffers will be developed as part of the process to revise Ch. NR 151, Wis. Admin. Code (Runoff Management)?	Yes	No
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11c. requiring aquaculture ponds, if declared navigable, and horticulture facilities be subject to Ch. NR 115, Wis. Admin. Code, buffer management standards because Ch. NR 151, Wis. Admin. Code, (Runoff Management) does not apply to them?	Yes	No
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11d. allowing the removal of trees and shrubs in the primary buffer area along farm drainage ditches (that are declared navigable) if the maintenance work is conducted consistent with the requirements of Ch. 88, Wis. Stats., (Drainage of Lands) and if the vegetation removal is limited to the minimum amount necessary to maintain the farm drainage ditches?	Yes	No
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11e. Do you have any concerns about exempting land used for non-structural agricultural practices from Ch. NR 115, Wis. Admin. Code, buffer standards because standards for agricultural buffers will be developed as part of the process to revise Ch. NR 151, Wis. Admin. Code, (Runoff Management)? Please explain.

11f. Do you have any concerns about requiring aquaculture ponds, if declared navigable, and horticulture facilities be subject to Ch. NR 115, Wis. Admin. Code, buffer management standards because Ch. NR 151, Wis. Admin. Code, (Runoff Management) does not apply to them? Please explain.

11g. Do you have any concerns allowing the removal of trees and shrubs in the primary buffer area along farm drainage ditches (that are declared navigable) if the maintenance work is conducted consistent with the requirements of Ch. 88, Wis. Stats., (Drainage of Lands) and if the vegetation removal is limited to the minimum amount necessary to maintain the farm drainage ditches? Please explain.

Do you, in general, support:

11h. allowing open fences within the shoreland setback area (within 75 feet of the OHWM) if constructed consistent with standards in Chapters 30 and 90, Wis. Stats?	Yes	No
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11i. Do you have any concerns about allowing open fences within the shoreland setback area? Please explain.

Do you, in general, support allowing the construction of a new agricultural facility within the shoreland setback area (within 75 feet of the OHWM) when a goal of the new structure is to improve water quality (a barnyard run-off containment facility, for example) if:

11j. an alternative site is not economically viable (greater than 115% of cost of structure) or is not available that will meet the water quality goals? Yes No

11k. mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible? Yes No

11l. Do you have any concerns about allowing the construction of a new agricultural facility within the shoreland setback area for the purpose of improving water quality? Please explain.

Do you, in general, support allowing the expansion of an existing agricultural facility within the shoreland setback area (within 75 feet of the OHWM) if:

11m. the expansion occurs landward of the structure and does not result in a degradation of water quality? Yes No

11n. an alternative site is not economically viable (greater than 115% of cost of structure)? Yes No

11o. mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible? Yes No

11p. Do you have any concerns about allowing the expansion of an existing agricultural facility within the shoreland setback area without any limitations on the size of the expansion or other conditions? Please explain.

XII. FORESTRY

Do you, in general, support:

12a. provisions that are applicable to land used for forestry that are different than provisions that apply to single-family residences within the shoreland zone? Yes No

12b. exempting forest management activities from NR115 buffer standards if Wisconsin's voluntary "Wisconsin's Forestry Best Management Practices for Water Quality" (PUB FR-093 2003) are applied? Yes No

12c. Do you have any concerns about exempting forest management activities from NR115 buffer standards if Wisconsin's voluntary "Wisconsin's Forestry Best Management Practices for Water Quality" (PUB FR-093 2003) are applied? Please explain.

Do you, in general, support:

12d. exempting special area management activities (to establish, maintain or enhance native plant communities or fish or wildlife habitat including, but not limited to, forest management activities, prairie restoration, wetland restoration and removal of exotic species) from NR115 buffer standards if consistent with a department approved management plan or if consistent with a management plan developed by a professional natural resource manager?	Yes	No
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12e. Do you have any concerns about exempting special area management activities from NR115 buffer standards if consistent with a department approved management plan or if consistent with a management plan developed by a professional natural resource manager? Please explain.

XIII. RECREATIONAL AREAS INCLUDING CAMPGROUNDS, PUBLIC ACCESS SITES AND MARINAS

CAMPGROUNDS

Do you, in general, support:

13a. provisions that are applicable to campgrounds that are different than the provisions that apply to single-family residences within the shoreland zone?	Yes	No
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Do you, in general, support allowing new campgrounds in the shoreland zone subject to the following provisions:

13b. requiring campgrounds to meet the same buffer standards as single-family development?	Yes	No
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13c. allowing Viewing Access Corridors (VACs), at the discretion of the property owner, to be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot?	Yes	No
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13d. requiring camping units and all structures to meet the 75-foot OHWM setback?	Yes	No
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13e. requiring campgrounds (including time-share or condominium-owned campgrounds) to have a minimum lot size of 5 acres and 200 feet of frontage for the first 10 camping sites and an additional 3,000 square feet of minimum lot size and 20 feet of frontage for each additional site?	Yes	No
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13f. requiring impervious surfaces within shorelands to not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff?	Yes	No
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13g. requiring expansion of nonconforming structures in campgrounds to meet the general nonconforming provisions and to preserve or restore the primary buffer, and allowing counties to require additional mitigation?	Yes	No
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13h. Do you have any concerns about allowing campgrounds in the shoreland zone if the above provisions are satisfied? Please explain.

13i. Do you think additional conditions should be placed on campgrounds in the shoreland zone, such as height, size, color, screening or other considerations? Please explain.

The current proposal for revising NR 115 defines "camping unit" to mean "any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck or tent." This definition is currently found in HFS 178.03 (4) and NR 116.03.

Do you, in general, support limiting the period of time that the same person or persons can keep a camping unit in a campground:

- | | | |
|---|-----|----|
| 13j. to a maximum 30 day stay (~ 1 month)? | Yes | No |
| 13k. to a maximum 90 day stay (~ 3 months)? | Yes | No |
| 13l. to a maximum 180 day stay (~ 6 months)? | Yes | No |
| 13m. no limit on the length of time that a camping unit is used in a campground? | Yes | No |

13n. Do you have any concerns about limiting the length of time that a camping unit in a campground can be used to avoid camping units from becoming permanent structures at campgrounds? Please explain.

PUBLIC ACCESS SITES

Do you, in general, support:

- | | | |
|---|-----|----|
| 13o. provisions that apply to public access sites that are different than the provisions that apply to single-family residences within the shoreland zone? | Yes | No |
|---|-----|----|

Do you, in general, support allowing new public access sites if the following provisions are satisfied:

- | | | |
|--|-----|----|
| 13p. requiring public access sites to meet the same buffer standards as single-family development? | Yes | No |
| 13q. allowing Viewing Access Corridors (VACs), at the discretion of the property owner, to be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot? | Yes | No |
| 13r. requiring all structures to meet the 75-foot OHWM setback, except for boat ramps, piers, locational signs that need to be visible from the water, one multi-purpose sign and parking areas (if other locations are not feasible)? | Yes | No |
| 13s. requiring public access sites to meet the same lot size standards as a single-family development? | Yes | No |
| 13t. requiring impervious surfaces within shorelands to not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff? | Yes | No |
| 13u. requiring expansion of nonconforming structures in public access sites to meet the general nonconforming provisions and to preserve or restore the primary buffer, and allowing counties to require additional mitigation? | Yes | No |

13v. Do you have any concerns about allowing public access sites if the above provisions are satisfied? Please explain.

13x. Do you think additional conditions be placed on public access sites, such as height, size, color, screening or other considerations? Please explain.

13y. The proposed standards will only apply to access sites that can be used by the general public. Do you think privately-owned access sites that are not used by the general public should be subject to similar standards as public access sites and potentially other conditions? Please explain.

MARINAS

Do you, in general, support:

13z. provisions that apply to marinas that are different than the provisions that apply to single-family residences within the shoreland zone?	Yes	No
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Do you, in general, support allowing new marinas if the following provisions are satisfied:

13aa. requiring marinas to meet the same buffer standards as single-family development?	Yes	No
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13bb. allowing Viewing Access Corridors (VACs), at the discretion of the property owner, to be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot?	Yes	No
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13cc. requiring all structures to meet the 75-foot OHWM setback, except for boat ramps, piers, boat hoists, and marine fuel pumps that meet Department of Commerce standards?	Yes	No
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13dd. requiring marinas to meet the same lot size standards as a single-family development?	Yes	No
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13ee. requiring impervious surfaces within shorelands to not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff?	Yes	No
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13ff. Requiring expansion of nonconforming structures in marinas to meet the general nonconforming provisions and to preserve or restore the primary buffer, and allowing counties to require additional mitigation?	Yes	No
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13gg. Do you have any concerns about allowing marinas if the above provisions are satisfied? Please explain.

13hh. Do you think additional conditions be placed on marinas, such as height, size, color, screening or other considerations? Please explain.

XIV. SANITARY REGULATIONS

Do you, in general, support:

14a. no longer requiring county sanitary regulations in ch. NR 115 now that a property owner who wants to install a private sewage system is required to apply for a sanitary permit, and comply with ch. Comm 83, Wisconsin Administrative code, and other administrative rules and statutes that are potentially applicable?	Yes	No
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14b. Do you have any concerns about no longer including a requirement for county sanitary regulations in ch. NR 115? Please explain.

XV. OTHER ISSUES

15a. Do you think that as a result of this revision process, proposed changes to NR115 should result in greater consistency with, and less duplication of, regulations found in other administrative codes? Please explain.

15b. Do you have any concerns about topics that were not addressed in the NR115 Advisory Committee's preliminary recommendations to update Wisconsin's Shoreland Management Program? Please explain.

XVI. DOCUMENTATION FOR THE PUBLIC RECORD

Comments from the listening sessions will be accepted until December 31, 2003. Comments can be emailed to Toni Herkert, Shoreland Management Team Leader at Toni.Herkert@dnr.state.wi.us or comments can be mailed to her at DNR WT/2, Box 7921, Madison, WI 53707-7921. If you have questions, Toni can be contacted at (608) 266-0161. More detailed information on the Shoreland Management Program revision is available at: www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm

If you would like your comments to be part of the public record for the NR115 rule revision, please, at a minimum, provide your name. The remaining information is voluntary. Please print legibly.

Date: _____

Name: _____

Address: _____

Phone: _____

Email: _____

Would you like to receive email updates about the status of the NR 115 revision process?

☐ Yes ☐ No